

## **REMARKS/ARGUMENTS**

### **1. Notice of Non-Compliant Amendment of 03/31/2008:**

5        In regards to the Notice of Non-Compliant Amendment mailed on  
March 31 2008, the examiner indicated that the cancelled claim 5 in the  
previous response to the Office Action dated 12/12/2007 has an  
improper presentation of claim text in a canceled claim, which bases on  
C.F.R §1.121 (c)(4)(i), “ No claim text shall be presented for any claim  
10    in the claim listing with the status of "canceled" or "not entered." “. The  
applicant hereby resubmits the whole response again as per request in  
the Notice of Non-Compliant Amendment, which is amended for  
deleting improper presentation of claim text in the canceled claim 5.

### 15    **2. Status of claims:**

      Since the response to the Office action of December 12, 2007 was  
non-compliant and was not considered by the examiner, the status  
identifiers for the claims in this response are with respect to the statuses  
20    of claims in the response to the Office action of July 03, 2007 to fix the  
error in the response to the Office action of December 12, 2007.

### **3. Election/Restriction**

25        The application contains claims directed to at least the following  
patentably distinct species:

      Species I, drawn to a touch panel comprising a panel layer for  
outputting a corresponding touch signal to a processor  
30        when pressed, wherein the panel layer is installed  
between an electromagnetic apparatus and a plurality of

display units [as described in figure 5 and at paragraph 29, lines 1-3 of the instant specification, for instance]; and

5       Species II, drawn to a touch panel comprising a panel layer for  
outputting a corresponding touch signal to a processor  
when pressed, wherein the panel layer is installed  
above a plurality of display units [as described at  
paragraph 29, lines 3-7 of the instant specification, for  
10       instance].

Wherein both Species I and II are directed to at least the following  
patentably distinct sub-species:

15       Sub-Species A, drawn to a capacitive panel layer [as described at  
paragraph 28 of the instant specification, for instance]; and

Sub-Species B, drawn to a resistive panel layer [as described at  
paragraph 23 of the instant specification, for instance].

20       The species are respectively independent or distinct because the  
species do not overlap in scope, i.e., are mutually exclusive; the species  
are not obvious variants; and the species have a materially different  
design, mode of operation, function, and effect.

25       Applicants are required under 35 U.S.C.121 to elect a single  
disclosed species (and sub-species) for prosecution on the merits to  
which the claims shall be restricted if no generic claim is finally held to  
be allowable. Currently, claims 1-4 and 9-18 appear to be generic to the  
30       aforementioned species.

**Response:**

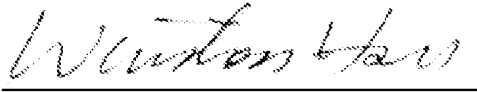
Applicants hereby elects species II and sub-species A in response to the above restriction requirement. The claims readable upon the elected species are claims 6 and 7. Claim 5 is canceled and claim 8 is withdrawn  
5 from consideration in the instant application. No new matter is introduced.

**4. Request for reconsideration of the restriction requirement under  
10 37 CFR 1.143.**

Applicants believe that the present application does not need a sub-species election. Species A (defined by claim 7) of the present application discloses the panel layer is a capacitive panel layer. And  
15 species B (defined by claim 8) discloses the panel layer is a resistive panel layer. Claims 7 and 8 are amended to depended upon Claim 6. When the panel layer is installed above the plurality of display units, the panel layer can be a capacitive panel layer or a resistive panel layer. The electromagnetic apparatus installed below the plurality of display units  
20 and for generating a magnetic field to attract magnetic materials does not influence the operation of the capacitive panel layer or the resistive panel layer. Claims 7 and 8 disclose two kinds of panel layers for the present application. Applicants believe that there is no conflict between claims 7 and 8 based on the reason described above. Therefore,  
25 applicants believe that sub-species A and sub-species B of the present application should be grouped together and should not be patentably distinct. Reconsideration of this sub-species restriction requirement is hereby requested.

30 Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Sincerely yours,



Date: 04/14/2008

Winston Hsu, Patent Agent No. 41,526

5 P.O. BOX 506, Merrifield, VA 22116, U.S.A.

Voice Mail: 302-729-1562

Facsimile: 806-498-6673

e-mail : winstonhsu@naipo.com

- 10 Note: Please leave a message in my voice mail if you need to talk to me. (The time in D.C. is 12 hours behind the Taiwan time, i.e. 9 AM in D.C. = 9 PM in Taiwan.)